IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15890 of 2004

Between:

M/s. Dorland Drugs and Pharmaceuticals Pvt. Limited 26-4-8, 1st Floor, Gnanolive Street, Gandhi Nagar, Vijayawada -520 008, Rep. by its Managing Director Mr.K. Ramchandra Rao.

..... PETITIONER

AND

1 The Additional Commissioner Commercial Taxes (Legal) (FAC) o/o the Commissioner of Commercial Taxes M.J.Road Opp.

Gandhi Bhavan, Hyderabad.

2 The Deputy Commissioner, Commercial Taxes No.II, Division,

Vijayawada.

3 The Commercial Tax Officer Seetaramapuram Circle Yenamalakonduru Road Beside Siris Ltd., Vijayawada-7.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction calling for the records of the 1st Respondent Dt.12.8.2004 in Commissioner of Commercial Taxes Ref.No.L.V. (2)/218/2004 and quash the same as arbitrary illegal and contrary to the decisions of this Hon'ble Court and consequently grant stay of collection of the balance disputed tax of Rs.3,39,168/- for the assessment year 1999-2000 pending disposal of the appeal in T.A.No.143/2004 on the file of the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.SHAIK JEELANI BASHA

Counsel for the Respondent Nos.1 to 3 : SPL GP FOR TAXES

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

The petitioner had filed an application for stay, before the Additional Commissioner of Commercial Taxes (Legal), Hyderabad, pending appeal before the Tribunal. The Additional Commissioner rejected the application and the Writ Petition is filed.

In the interest of justice, we direct that 50 per cent of the liability shall be discharged within a period of six weeks, subject to outcome of the appeal. For six weeks, there shall be an unconditional stay and stay shall continue if half of the liability is discharged during this period. However, if the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

The writ petition is disposed of accordingly. No costs.

_____

(BILAL NAZKI, J)

7th September, 2004

_____

(S.ANANDA REDDY,J)

Note:Issue operative portion by wire at party's cost

b/o

vrn

To

1 The Additional Commissioner Commercial Taxes (Legal) (FAC)
o/o the Commissioner of Commercial Taxes M.J.Road Opp.

Gandhi Bhavan, Hyderabad.
2 The Deputy Commissioner, Commercial Taxes No.II, Division,

Vijayawada.
3 The Commercial Tax Officer Seetaramapuram Circle
Yenamalakonduru Road Beside Siris Ltd., Vijayawada-7.

4 Two C.Cs to the Special Government Pleader for Taxes,

High Court Buildings, A.P., Hyderabad (OUT)

5 Two C.D copies.